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 7 MLE Enterprises, Inc.

8 UNITED STATES BANKRUPTCY COURT

9 EASTERN DISTRICT OF CALIFORNIA, FRESNO DIVISION

10 In re:

11 MLE ENTERPRISES, INC.,
 12 Debtor.

13 Case No. 09-10871-B-11

14 Small Business Case Under
 Chapter 11

15 DC No. KDG-7

16 Date: August 27, 2009
 Time: 9:00 a.m.
 Place: U.S. Bankruptcy Court
 2500 Tulare Street, Dept. B
 Courtroom 12, Fifth Floor
 Fresno, CA
 Judge: Honorable W. Richard Lee

20 FINDINGS OF FACT IN SUPPORT OF CONFIRMATION OF 21 FIRST AMENDED PLAN OF REORGANIZATION FILED BY DEBTOR

22 I. Introduction¹

23 Confirmation of the *First Amended Plan of Reorganization Under Chapter 11 of the*
 24 *Bankruptcy Code (Modified)* filed by MLE ENTERPRISES, INC. (“Debtor”), on July 16,
 25 2009, as modified by the *First Modification of Plan of Reorganization Before Confirmation*
 26 *Filed by Debtor* filed on August 20, 2009, and the *Second Modification of Plan of*

28 ¹ The Capitalized terms herein shall have the same meaning as set forth in the First Amended Plan of
 29 action filed on September 3, 2009.

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September 29, 2009

CLERK, U.S. BANKRUPTCY COURT

EASTERN DISTRICT OF CALIFORNIA

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1 *Reorganization Before Confirmation Filed by Debtor* filed on August 24, 2009 (collectively
 2 referred to as the “First Amended Plan”), came on for hearing on August 27, 2009, at 1:30 p.m.
 3 after notice to Debtor, the United States Trustee, all creditors and parties requesting special
 4 notice. Appearances were as set forth on the record.

5 The Court reviewed the First Amended Plan, the Worksheets for Determining
 6 Acceptance of Plan of Reorganization submitted by Debtor, the *Memorandum of Points and*
 7 *Authorities in Support of Confirmation of Plan of Reorganization Filed by Debtor* (“the
 8 Memorandum of Points and Authorities”), the *Declaration of Kevin Allen in Support of*
 9 *Confirmation of Plan of Reorganization Filed by Debtor* (“the Declaration of Kevin Allen”),
 10 The Ballots on Plan of Reorganization filed by Debtor (the “Ballots”), the Opposition to
 11 confirmation filed by the Terra Nova Group, and considered the comments made on the record
 12 by counsel for Debtor and other counsel.

13 After determining that copies of the First Amended Plan and the *First Amended*
 14 *Disclosure Statement* approved by the Court had been served on Debtor, the United States
 15 Trustee, all creditors, parties in interest, and parties requesting special notice, makes the
 16 following findings as more fully described on the record at the hearing held on August 27,
 17 2009:

18 **II. Findings of Fact and Conclusions of Law**

19 1. Debtor’s *First Amended Plan of Reorganization Under Chapter 11 of the*
 20 *Bankruptcy Code (Modified)* filed on July 16, 2009, as modified by the *First Modification of*
 21 *Plan of Reorganization Before Confirmation Filed by Debtor* filed on August 20, 2009, and the
 22 *Second Modification of Plan of Reorganization Before Confirmation Filed by Debtor* filed on
 23 August 24, 2009, with each modification having been incorporated into the *First Amended Plan*
 24 *of Reorganization Under Chapter 11 of the Bankruptcy Code (Modified)* filed by Debtor on
 25 September __, 2009 (collectively referred to as the “Plan”), complies with the applicable
 26 provisions of Chapter 11 of the Bankruptcy Code and meets the requirements of 11 U.S.C. §
 27 1129 as more fully described below;

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 COOPER, ROSENBLIES & KIMBALL, LLP
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1 2. The Plan has been proposed in good faith and not by any means forbidden by
2 law;

3 3. Any payment made or promised by Debtor or the estate for the services or for
4 costs and expenses incurred in connection with the case, or in connection with the Plan and
5 incident to the case, have been disclosed to the Court;

6 4. Each holder of a claim or interest of an impaired class that has accepted the Plan
7 has, or will receive or retain under the Plan as modified and amended, property of a value, as of
8 the Effective date of the Plan, that is not less than the amount that such holder would receive or
9 retain if the estate was liquidated under Chapter 7 on account of such claim;

10 5. The Plan has been accepted by at least one class of claims impaired under the
11 Plan excluding insiders of Debtor;

12 6. Confirmation of the Plan is not likely to be followed by the liquidation or the
13 need for further financial reorganization of Debtor except as proposed in the Plan; and

14 7. All required Court and United States Trustee fees will be paid before the
15 Effective Date of the Plan.

16 8. Notice of the hearing on confirmation of the Plan was adequate and, based upon
17 the foregoing, good cause appears for the entry of an Order confirming the Plan.

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1 9. The Court will issue a separate Order confirming the Plan and setting specified
2 deadlines as set forth in the Plan.

3 **Respectfully Submitted By:**

4 KLEIN, DeNATALE, GOLDNER,
5 COOPER, ROSENLIB & KIMBALL, LLP

6 By /s/ T. Scott Belden
7 T. SCOTT BELDEN
8 TERRENCE T. EGLAND,
9 Attorneys for Debtor, JRS Shaddy, Inc.

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13 Dated: October 09, 2009
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W. Richard Lee
United States Bankruptcy Judge